

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JUNE 26, 2002**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank de la Fe, Hunter Mill District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John R. Byers, Mount Vernon District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District

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The meeting was called to order at 8:18 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

FSA-P96-8-1 - AT&T WIRELESS - 2650 Park Tower Drive

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FSA-P96-8-1, AT&T AT 2650 PARK TOWER DRIVE.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Byers, DuBois, Hall and Harsel absent from the meeting.

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FSA-P99-27-2 -AT&T WIRELESS - 1900 Gallows Road

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FSA-P99-27-2, AT&T, 1900 GALLOWS ROAD.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Byers, DuBois, Hall and Harsel absent from the meeting.

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FSA-P96-36-1 - AT&T WIRELESS - 3211 Jermantown Road

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FSA-P96-36-1, AT&T, AT 3211 JERMANTOWN ROAD.

Commissioner Kelso seconded the motion which carried unanimously with Commissioners Byers, DuBois, Hall and Harsel absent from the meeting.

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FSA-L98-7-1 - AT&T WIRELESS - 3702 Franconia Road

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF'S RECOMMENDATION ON FSA-L98-7-1, AT&T.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Byers, DuBois, Hall and Harsel absent from the meeting.

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ORDER OF THE AGENDA

Chairman Murphy announced that no regular agenda items were scheduled and that tonight's agenda would consist solely of a workshop on S01-CW-18CP, an Out-of-Turn Plan Amendment pertaining to revisions to the Residential Development Criteria in the Policy Plan. He noted that the public hearing on this matter had been held on June 19, 2002.

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S01-CW-18CP - OUT-OF-TURN PLAN AMENDMENT - The Planning Commission will hold a scheduled workshop and markup session to consider proposed revisions to the Policy Plan: The Countywide Element of the Comprehensive Plan for Fairfax County, that would amend Appendix 9 "Criteria For Assignment of Appropriate Residential Development Density," which are criteria used to evaluate residential rezoning applications. WORKSHOP.

Commissioner Alcorn, as Chairman of the Development Criteria Review Committee, explained that the purpose of this workshop was to provide the Commission with an opportunity to review the proposed text and receive input from staff and fellow Commissioners. He announced that a

decision on this Plan Amendment had been scheduled for tomorrow night, but would be deferred to a date to be determined in July. He suggested that the Public Facilities section be reviewed last because, at least in the Committee meetings, it seemed to prompt the most discussion.

Ms. Barbara Byron, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), introduced staff members present and, in the case of DPZ staff, announced their areas of expertise.

Jim Zook, Director, DPZ - Overall
Peter Braham, ZED, DPZ - Site Design and Neighborhood Context
Bruce Douglas, Planning Division (PD), DPZ - Environment
Bruce Kriviskey, PD, DPZ - Heritage Resources
Mike Knapp, Urban Forester, Department of Public Works and Environmental Services
Angela Rodeheaver, Department of Transportation
Gary Chevalier, Fairfax County Public Schools
Tom Brady, Fairfax County Public Schools
Karen Harwood, County Attorney's Office
Bob Counts, Housing and Community Development
Gordon Goodlett, Housing and Community Development

Chairman Murphy commented on the long process that led to tonight's workshop and thanked the many people who had contributed to the effort. Commissioner Alcorn concurred.

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INTRODUCTION

Ms. Byron and Commissioner Alcorn responded to questions from Commissioners Smyth, Murphy and Alcorn regarding the specificity of the text and the density range concept outlined in the Introduction.

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SITE DESIGN

Ms. Byron, Mr. Braham and Commissioner Alcorn responded to questions from Commissioners Smyth, Murphy, Kelso, de la Fe, and Wilson regarding consolidation, stormwater management facilities, sidewalks, setbacks, service drives and P-District regulations.

Ms. Harwood and Commissioner de la Fe responded to questions from Commissioner Wilson regarding the definition of usable open space.

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NEIGHBORHOOD CONTEXT

Commissioner Alcorn noted there had been testimony at the public hearing regarding the use of the term "surrounding" in the Neighborhood Context section. Commissioners Kelso and Wilson discussed the possibility of substituting "existing" or "adjacent." Ms. Harwood commented that, historically, "adjacent" had been interpreted to mean nearby and "abutting" was used to refer to properties immediately next door.

Commissioner Alcorn suggested that the phrase "and transit facilities" be added to the list of bulleted items to be evaluated in determining neighborhood context.

Chairman Murphy suggested that the first bullet also needed revision to clarify transitions. Commissioners Alcorn, Smyth, Chairman Murphy, and Ms. Harwood discussed the merits of "abutting," "adjoining," "contiguous," and "adjacent." Commissioner Alcorn suggested the first bullet be revised to read: "transitions to abutting and adjacent uses."

Commissioners Alcorn and Kelso, Ms. Byron and Ms. Harwood discussed whether "existing" should be added to the first paragraph. Ms. Byron commented, and Ms. Harwood agreed, that adding the term might preclude consideration of planned development.

Commissioners Smyth, Kelso, and Alcorn discussed whether a reference of access to existing neighborhoods should be added to the closing paragraph.

Mr. Braham, Ms. Bryon and Commissioner Alcorn responded to questions from Chairman Murphy regarding the term "infill" in the closing paragraph.

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ENVIRONMENT

In response to questions from Commissioner Alcorn, Mr. Douglas noted that several citizens testifying at the public hearing had objected to the word "minimize" in regard to water quality and drainage. He explained that the language was probably more accurate and appropriate as written for two reasons: first, because it reflected current practices and second, he had doubts that the new standards, as proposed, could be met. He said there was a growing body of evidence that when watersheds reached a certain level of imperviousness, even with best efforts at site design and stormwater management, there would be some level of degradation in downstream water quality. He added that most watersheds in Fairfax County had reached that level and expressed his concern that revising the language might create a mistaken impression of what could reasonably be achieved.

In response to questions from Commissioner Smyth, Mr. Douglas confirmed that it would be difficult, if not impossible, for a developer to truthfully assure citizens that post-development

runoff would be no worse than pre-development runoff. He added that there were various ways to redirect water runoff that would improve the situation on the subject property, but wouldn't solve an overall cumulative water runoff problem.

Commissioners Alcorn, Wilson, de la Fe, Kelso and Mr. Douglas discussed the stormwater management issue. Mr. Douglas stated that any new development would bring more traffic, more students, and more water runoff, and that adverse impacts could be minimized, but not eliminated.

Mr. Douglas, Ms. Byron and Mr. Braham responded to further questions from the Commission regarding best management practices, drainage, stormwater management facilities, and noise.

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TREE PRESERVATION

Commissioner Alcorn noted the additional language proposed for this criteria indicating that the Urban Forester would be the one to determine if quality tree cover existed on a site and requested staff comment.

Mr. Knapp said that the phrase "unless there are extenuating circumstances" was unnecessary and that the word "should" in the second sentence provided enough flexibility.

Commissioner Smyth suggested that the phrase "as determined by the Urban Forester" be added at the end of the first sentence rather than the second one.

Mr. Knapp, Commissioners Smyth, Wilson, Alcorn, Kelso, de la Fe, Chairman Murphy and Ms. Byron discussed stormwater outfalls and utility easements and how they affected tree preservation areas.

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TRANSPORTATION

Commissioner Alcorn commented on the language added to address concerns raised at the public hearing regarding safety of local streets, non-motorized transportation and cut-through traffic.

In response to questions from Commissioner Kelso, Ms. Byron confirmed that the proposed language encouraged interparcel connections, but that the Commission could, on a case-by-case basis, recommend that certain streets not be connected. She added that the Department of Transportation would no doubt continue to recommend those connections.

Chairman Murphy spoke about traffic calming devices and cut-through traffic and said that the spirit of the community should be gauged and each case decided individually. He commented on a Springfield District case near the intersection of Burke Lake Road and Lee Chapel Road where certain street connections would have led to a large volume of cut-through traffic. He expressed his dislike for the term "non-motorized."

Commissioner Smyth suggested that the title and content of paragraph c) be revised to include trails. She noted that she had received input from citizens in Providence District who expressed their desire to revise the recommendations regarding street connections to state that streets should be connected to improve neighborhood circulation only if such connections would not result in cut-through traffic and that streets should be designed to accommodate schools buses.

Commissioner Wilson commented on the issue of cut-through traffic in general, noting that the term was interpreted differently by different groups. She also questioned the definition of "local streets."

In response to questions from Chairman Murphy, Ms. Byron stated that P District applications for single family detached homes sometimes proposed private streets. Ms. Rodeheaver said that public streets were rarely possible in single family attached homes because the driveways were too close to each other to meet public street standards. She responded to questions from Chairman Murphy regarding the need for waivers of the provision that private streets not be in excess of 600 feet. Chairman Murphy reiterated his opposition to "non-motorized."

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AFFORDABLE HOUSING

Commissioner Alcorn noted that a typographical error had been corrected in the first paragraph and that staff had suggested that the words "and/or portions thereof" be added to the last sentence of that paragraph so that this criterion would also be applicable to mixed use cases.

Commissioners Smyth, Kelso, Wilson, and Alcorn discussed whether contributions in land or dwelling units was preferable. Commissioner Wilson said that a contribution of land was equivalent to a contribution to the Housing Trust Fund and that bonus density should not be awarded for land contributions. At Commissioner Alcorn's request, Mr. Counts provided staff comment on this issue. He disagreed that land and cash contributions were of equal value. He stated that it had become more and more difficult to find land to build affordable units and that while Housing staff would prefer units constructed by a developer, appropriately zoned and buildable land was definitely needed.

Commissioner Alcorn suggested that Mr. Counts compose some language to reflect staff's priorities.

Commissioner de la Fe agreed that land was more valuable than a straight cash contribution, but commented that every effort should be made to have a developer provide land on the subject property rather than off site.

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HERITAGE RESOURCES

Commissioner Alcorn commented that the only change proposed for this criterion was the inclusion of the words "and/or relocated" in paragraph a).

Commissioner Smyth stated the group who had requested that change had reconsidered its position. She added that citizens had suggested expansion of the definition of sites or structures to be preserved to include a fifth option as follows: 5) evidence that a heritage or cultural resource existed on the property.

Commissioners Wilson and Smyth discussed this issue.

In response to a question from Chairman Murphy, Ms. Byron agreed that paragraph c) should be amended to delete the word "Archaeologist" so that it would indicate that proposals for archaeological work should be submitted simply to the County for review and approval rather than to the County Archaeologist.

Ms. Bryon commented that someone had pointed out that the final paragraph regarding non-residential development would be updated before the Commission's decision date.

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(The Commission went into recess at 10:30 p.m. and reconvened in the Board Auditorium at 10:50 p.m.)

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PUBLIC FACILITIES

Mr. Zook provided introductory staff comments on this criterion. He explained that cash proffers were not really new; that Fairfax County had been accepting such contributions for years; and that this proposal concerned how those contributions would be determined. He reminded everyone that proffers were voluntary. He commented on the practices of other jurisdictions and said that whatever method was chosen, it should be noted that public facilities included more than just schools.

Commissioner Alcorn announced his intention to propose a follow-up motion regarding implementation.

In response to a question from Commissioner Wilson, Commissioner Alcorn confirmed that it was his intention to prioritize contributions with land being first, construction second, and cash third.

Mr. Zook responded to questions from Commissioner Wilson regarding how credits would be granted for developer contributions.

Commissioner Kelso commented that the proposed language was acceptable, but that a strategy for analyzing the impacts on public facilities was needed. He said that every residential development had an impact on schools, parks, libraries, et cetera and that transportation and/or environmental amenities provided by an applicant should not be credited towards its obligations regarding public facilities.

Mr. Zook pointed out that the proposed formula addressed only schools, but that applications would continue to be reviewed by the Park Authority, the Library Board, et cetera.

Commissioners Smyth, Alcorn, Chairman Murphy, and Mr. Zook discussed the flexibility needed, other possible approaches to the formula issue, and the evaluation process within separate agencies.

In response to questions from Commissioner Kelso, Mr. Zook confirmed that it was possible that a cash contribution from a developer could be applied to a nearby library if that library was determined to be in need of funding.

Chairman Murphy commented that schools had always been a concern in the Springfield District as development moved westward in Fairfax County and that considerable effort had been expended to address that need.

Mr. Zook cautioned that the expectations voiced at the public hearing regarding the generation of income and its subsequent benefit to schools and school programs from the implementation of the proposed changes to the proffer system were somewhat unrealistic. He added that these changes were a start, but should not be viewed as a cure for school problems.

Commissioner de la Fe concurred. He pointed out that cash contributions received from developers by the Park Authority were often offset by other recreation amenities provided by applicants.

Commissioners Smyth and Kelso commented on the misconceptions voiced at the public hearing. Commissioner Smyth pointed out that the additional costs of the proposed criteria would not be borne by developers alone, but would be passed on to new homeowners in the form of increased home prices. Commissioner Kelso stated that many citizens were not familiar with the land use process and that the Commission should adopt the new criteria while clarifying that the changes did not represent a panacea, but a step in the right direction.

Commissioners Alcorn, Kelso, Smyth, Wilson, Chairman Murphy and Mr. Zook discussed implementation and distribution procedures and the types of public facilities that would benefit.

In response to a question from Commissioner Moon, Mr. Chevalier said that, while there was at least one school in Fairfax County operating under capacity, in comparing elementary and middle school enrollments to available capacity, there were more students than classrooms. He added that, at the high school level, there were fewer students than classrooms available; however, projected high school enrollment indicated a shortage in the next five years.

Commissioners Moon and Smyth and Mr. Chevalier discussed the School's priorities. Commissioner Smyth noted that each public agency would no doubt have its own priorities. She stated, and Mr. Chevalier concurred, that each application should be decided on a case-by-case basis. Commissioner Moon pointed out that the third paragraph of the criterion, where the priorities were listed, did not include the words "case-by-case" or any equivalent.

In reply to a question from Commissioner Moon, Mr. Chevalier confirmed that he did not necessarily agree with the priorities as currently listed.

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At the conclusion of the workshop, Commissioner Alcorn announced that the decision on this item would be tentatively scheduled for Wednesday, July 24, 2002. He requested that all comments, suggestions, etc. be submitted in writing no later than Wednesday, July 10, 2002.

In response to a suggestion from Ms. Byron, and with Commissioner Alcorn's concurrence, Ms. Harwood briefly presented the County Attorney's comments on a delayed effective date for the new criteria. Ms. Harwood responded to questions from Commissioners Kelso, Moon, and Wilson regarding the effect of a 90-day delay.

There being no further discussion or comments, Chairman Murphy adjourned the meeting.

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The meeting was adjourned at 12:01 a.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins

Approved on: May 6, 2004

Linda B. Rodeffer, Deputy Clerk to the
Fairfax County Planning Commission